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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (LODGING) NO.1055 OF 2007

Smt. Vimal H. Varhadi & 24 Ors. ... Petitioners

Vs.

The Chief Officer, SRA & 6 Ors. ... Respondents

Mr. Sampatrao Pawar with Mr. M.V. Sawant for the Petitioners.

Mr. S.G. Surana for Respondent No.1.

CORAM : SWATANTER KUMAR, C.J. &
SMT. RANJANA DESAI, J.

DATED : JULY 06, 2007.

P.C.:-

1. The learned counsel appearing for Respondent No.1, at the very outset, takes a preliminary objection in regard to maintainability of the Writ Petition on the ground that an alternative, statutory and efficacious remedy is available to the Petitioners. The learned counsel appearing for the Petitioners fairly states that they would take recourse to the statutory remedy of filing an Appeal, but the question of limitation is likely to come in their way.

2. In view of the stand taken by the learned counsel appearing for the parties before us, we dispose of this Writ Petition as not maintainable because an alternate, statutory and efficacious remedy is available to the Petitioners. We, however, make it clear that in the event such an Appeal is made within one week from today i.e. on or before 13/7/2007, the Appeal shall not be dismissed on the ground of limitation as the Petitioners were under a bona fide error pursuing the present Writ Petition. It is also made clear that for a period of two weeks from today i.e. till 20/7/2007, the Respondents shall not take any coercive steps, ofcourse, subject to further orders as may be passed by the Appellate Court. Writ Petition is accordingly disposed of leaving the parties to bear their respective costs.

[CHIEF JUSTICE]

[SMT. RANJANA DESAI, J.]